

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-3358

United States of America,

Appellee,

v.

Tammie Nannette Fryman,

Appellant.

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Appeal from the United States
District Court for the
Western District of Arkansas.

[UNPUBLISHED]

Submitted: February 4, 2002
Filed: February 4, 2002

Before LOKEN, BEAM, and RILEY, Circuit Judges.

PER CURIAM.

Following a hearing, the district court¹ revoked Tammie Nannette Fryman's probation based on the court's finding that she had violated various probation conditions. Without objection from the parties, the court sentenced Fryman to 12 months imprisonment and 1 year supervised release. Fryman appeals her revocation sentence, arguing that the district court committed plain error by believing itself bound by the Chapter 7 Sentencing Guidelines policy statements.

¹The HONORABLE ROBERT T. DAWSON, United States District Judge for the Western District of Arkansas.

We cannot agree with Fryman's argument. The court's comments appear to us simply to reflect the court's understanding that it was required to consider the relevant Guidelines recommendation on a revocation sentence. See U.S.S.G. § 7B1.4(a), p.s. (table); United States v. Levi, 2 F.3d 842, 845 (8th Cir. 1993). Further, in these circumstances, any misunderstanding on the part of the district court would not rise to the level of plain error. See United States v. Montanye, 996 F.2d 190, 192 (8th Cir. 1993) (en banc).

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.